

2023:PHHC:090990

**121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-1719-2019 (O&M)
Date of decision: 19.07.2023

Raj Kumar

....Appellant

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Surinder Garg, Advocate for the appellant
Mr. Gurpreet Singh, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

CM-4620-C-2019

1. For the reasons stated in the application, delay of 11 days in filing the appeal is condoned.
2. CM stands allowed.

Main case

3. The correctness of the concurrent findings of fact arrived at by the courts below are being questioned by the plaintiff. He filed the suit on 17.12.2014 for declaration to the effect that he is entitled to have the proficiency step up on completion of service of 9 years and 14 years on the due dates i.e 17.07.2001 and 17.07.2006, respectively. Both the courts have found that the appellant was given the benefit of completion of 9 years on 17.07.2001 and he was promoted to a next level on 29.02.2008 which dis-entitled him to claim the benefit of completion of 14 years. The State of Punjab has adopted a policy decision to grant Assured Career Progression (hereinafter referred to as 'ACP') in order to avoid stagnation. Initially, in the year 1998 a policy decision was taken

to grant one additional increment/next higher scale on completion of 8/16/24/32 years. However, in the year 2006, the Government adopted ACP scheme which provided for the benefit on completion of 4/9/14 years of service w.e.f 01.11.2006. The scheme provides for assessing the suitability of the employee on the basis of the Annual Confidential Reports. Thus, the benefit of ACP Scheme is extended only if the employee fulfills the requisite criteria. It is the case of the defendants that even though the plaintiff had completed 8 years of service in the cadre of Inspector Audit Grade I on 17.07.2000 yet he was not entitled to the proficiency step up on 17.07.2001, as his service record did not meet the criteria.

4. Moreover, the appellant retired in the year 2008, whereas the suit was filed in December, 2014. In such circumstances, no ground to interfere is made out.

5. Hence, dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

19.07.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE